

Appl. No. 09/806,881
Atty. Docket No. 7488
Amdt. dated 12/11/2003
Reply to Office Action of 10/02/03
Customer No. 27752

REMARKS/ARGUMENTS

Claims 1, 4-7 and 14-18 are now in the case. Claim 1 has been amended pursuant to §112 (below) to recite that the surfactant is C₁₀-C₂₀. Basis is at page 6, l. 23. Claim 1 has been further amended to recite a Markush group of dye maintenance polymers or oligomers. Basis is found in Table III (pages 18-19), Ex. #1, Ex. #2, Ex. #3 and Ex. #8. In light of this recitation, the language specifying that the polymer is not a polyethyleneimine or alkoxylated derivative thereof has been removed as being redundant. Claims 2, 3 and 8-13 are canceled as being redundant in view of the other claims now in the case. It is submitted that the amendments add no new matter, and entry is requested.

Rejections Under 35 USC 112

Claims 1, 4-8 and 10-18 stand rejected for the introduction of the phrase "other than sodium lauryl sulfate," as noted at page 2 of the Office Action.

That phrase has now been deleted from the claims.

The Examiner has stated that the new lower limit of 5% (surfactant level) overcomes the Boeckh reference (U.S. 6,025,322, corresponding in relevant part to DE 19 643 281 A1).

For the record, it is also noted that Example IX of '322 (which, as discussed in the previous responsive amendment includes 12% sodium lauryl sulfate), employs a polymer designated as "Polymer 1." At Col. 5, l. 49-53 of '322, Polymer 1 is identified as piperazine condensed with epichlorohydrin and quaternized with benzyl chloride. It is further noted that the claims as amended herewith do not encompass Polymer 1.

Finally, the Examiner has indicated that the C₁₀-C₂₀ parameter with respect to the sulfated or sulfonated surfactants should be included in the claims. The amended claims now recite this parameter.

In light of the amendments, withdrawal of the rejections under §112 is requested.

Rejections Under 35 USC 102

Claims 1, 4, 5, 7, 8 and 10-17 stand rejected over U.S. 6,228,828B1, for reasons of record at page 3 of the Office Action.

Claims 1, 4, 7, 8, 10-14, 17 and 18 stand rejected over U.S. 6,214,786B1, for reasons of record at pages 3-4 of the Office Action.

Applicants respectfully traverse these rejections, to the extent they may apply to the claims as amended herewith.

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At the outset, it is noted that the claims herein have been amended to recite only dye maintenance polymers or oligomers which are neither amino acid-based, nor anionically modified.

U.S. 6,228,828, relates to detergent compositions which comprise anionically modified, cyclic amine based polymers or oligomers (Title; Abstract; Col. 1, l. 11; Col. 1, l. 55; and Col. 4, l. 38). Examples of such materials appear in Table 15 (Cols. 21 and 22), having carboxylic acid or sulfonate substituents as the anionic moiety.

U.S. 6,214,786B1 relates to detergent compositions which comprise amino acid based polymers, oligomers or copolymers (Title; Abstract; Col. 1, l. 58 and l. 64; Col. 3, l. 63; Col. 4, l. 40 and l. 56). Examples I-VI illustrate the manufacture of such materials using lysine as the amino acid.

It is submitted that neither '828 nor '786 teaches or suggests the polymers/oligomers of the present invention (as specified in the now-amended claims), which are neither anionically substituted, nor based on amino acids. Accordingly, it is submitted that the claims fully meet the requirements of §102. Reconsideration and withdrawal of all rejections on this basis are therefore requested.

Rejections Under 35 USC 103

Claims 1, 4-8 and 10-18 stand rejected over U.S. 6,287,585B1, for reasons of record at pages 4-5 of the Office Action.

Applicants respectfully traverse the rejections on this basis, to the extent they may apply to the claims as amended herewith.

The '585 patent relates to a method for killing or inhibiting the growth of microbial cells present on laundry. Nothing therein would appear to relate to dye maintenance, in the manner of the present invention.

As is clear from the disclosures of '585 (Abstract; Col. 7, l. 9 – Col. 12, l. 49) the polymers employed therein appear to be based on vinyl, allyl, or other ethylenically-substituted monomers. Nothing therein would appear to teach or suggest the herein-disclosed use of the polymer or oligomer adducts of various cyclic amines and epichlorohydrin for any purpose whatsoever, let alone for dye maintenance. This is especially true in the present circumstances, wherein the patentees in '585 were addressing an entirely different problem (fabric microbial contamination) than Applicants herein (appearance of dyed fabrics).


Accordingly, it is submitted that the claims fully meet the requirements of §103. Reconsideration and withdrawal of the rejections on this basis are requested.

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In light of the foregoing, early and favorable action in the case is requested.

Respectfully submitted,
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